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DEC 24 2008

In re Application of
Theoharis C. Tehoharides
Application No. 10/811,826
Filed: March 30, 2004
Attorney Docket No. 512275/148

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action mailed July 30, 2007. A Notice of Abandonment was mailed on March 26, 2008. The present petition was filed on September 24, 2008, including, *inter alia*, a Revocation of Power of Attorney.

The Revocation and Power Attorney filed September 24, 2008 is **not** acceptable, since the attached assignment references an application to which there is not proper priority claim. However, in accordance with 37 CFR 1.34(a), the signature of Colleen Superko appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts. A courtesy copy of this decision is being mailed to petitioner.

At present, the request to change the correspondence address filed September 24, 2008 will not be processed. If Attorney Superko desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$405 and the submission required by 37 CFR 1.114; (2) the petition fee of \$770; and (3) an adequate statement of unintentional delay¹.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

This application is being referred to Technology Center AU 1655 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley", written in a cursive style.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: COLLEEN SUPERKO
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